

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

|  |   |                      |
|--|---|----------------------|
| <b>MONICA E. TONCZ,</b>                | ) |                      |
|  | ) |                      |
| <b>Plaintiff,</b>                      | ) |                      |
|  | ) |                      |
| <b>v.</b>                              | ) | <b>No. 3:12-1010</b> |
|  | ) | <b>Judge Sharp</b>   |
| <b>BANK OF AMERICA, N.A., et. al.,</b> | ) |                      |
|  | ) |                      |
| <b>Defendants.</b>                     | ) |                      |

**ORDER**

Magistrate Judge Griffin has entered a Report and Recommendation (Docket No. 34), recommending that Defendants' unopposed Motions to Dismiss be granted, and that this action be dismissed. Despite being informed that any objection were to be filed within fourteen days of service, the parties have filed no objections to the Report and Recommendation.

Having considered the record and undertaken the *de novo* review required by Rule 72(b) of the Federal Rules of Civil Procedure, the Court agrees with Magistrate Judge Griffin's recommended disposition. Accordingly,

(1) The Report and Recommendation (Docket No. 34) is hereby ACCEPTED and APPROVED;

(2) The Motion to Dismiss filed by Defendants Wells Fargo Bank, N.A., Bank of America, N.A., America's Wholesale Lenders, HSBC Bank, and Mortgage Electronic Registrations Systems, Inc. (Docket No. 11) is hereby GRANTED, and the claims against those Defendants are hereby DISMISSED pursuant to Rule 4(m) and Rule 12(b)(5) of the Federal Rules of Civil Procedure for lack of service of process;

(3) The Motion to Dismiss filed by Defendant Rubin Lublin TN, PLLC (Docket No. 14) is hereby GRANTED and the claims against that Defendant are hereby DISMISSED pursuant to Rule 4(m) and Rule 12(b)(5) of the Federal Rules of Civil Procedure for lack of service or process; and

(4) The Motion to Dismiss filed by Deutsche Bank, AG (Docket No. 25) is hereby GRANTED, and the claims against that Defendant are hereby DISMISSED pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure for lack of personal jurisdiction.

The Clerk of the Court shall enter judgment on a separate document in favor of the Defendants in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, flowing style. The first name "Kevin" is written with a large 'K' and a small 'v'. The middle initial "H." is written with a small 'H' and a period. The last name "Sharp" is written with a large 'S' and a small 'p'.

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE